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Domestic Abuse & Sexual Violence Policy

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1. INTRODUCTION

1.1 This Policy statement has been produced as the Council recognises that Domestic Abuse/Sexual Violence:

- (i) is unacceptable
- (ii) may have an impact on the workplace, as the Council has a responsibility for the health, safety and welfare of its employees
- (iii) can impinge on an employees work performance, and ultimately on service provision.

2. POLICY STATEMENT

2.1 Employees who are experiencing or have experienced Domestic Abuse/Sexual Violence will be able to raise the issue with his or her Manager, in the knowledge that the matter will be treated effectively, sympathetically and confidentially. Alternatively an employee may disclose to another employee or Human Resources who will only act with the full consent of the employee, unless the disclosure reveals concerns for the safety of children or vulnerable adults. In this case the appropriate Safeguarding procedures within the Council should be followed.

2.2 This Council is committed to working in partnership with other agencies or bodies in the statutory or voluntary sector to combat Domestic Abuse/Sexual Violence.

2.3 As the largest employer in Rhondda Cynon Taf, this Council will take all reasonable steps to deal with Domestic Abuse/Sexual Violence through the support offered to its employees.

2.4 The core aims and objectives of this Policy are:

- to assist and support employees who approach their Manager for help in addressing problems arising from Domestic Abuse/Sexual Violence
- to remove fears of stigmatisation for employees who have experienced Domestic Abuse/Sexual Violence
- to ensure employees seeking assistance are confident that their situation will be handled seriously, compassionately and confidentially by all those involved
- to ensure all employees are aware of the Policy and its implications.

- 2.5 To achieve the core aims and objectives, the Council will raise the awareness of Domestic Abuse/Sexual Violence throughout its workforce by, for example, utilising the HR Intranet Site and notifying all managers of the necessity to inform all employees at e.g. team meetings. Furthermore, specific guidance dealing with Domestic Abuse/Sexual Violence is attached to this Policy Statement, which outlines the support measures that can be taken, e.g.
- access to confidential independent professional counselling
 - special paid time off to enable employees to attend, where necessary, with support agencies, solicitors, for re-housing, to alter childcare arrangements or to attend Court
 - availability of assertiveness training, or confidence building (since Domestic Abuse/Sexual Violence can affect self-esteem of victims)
 - information on local advice and aid agencies and helplines.
- 2.6 The responsibility for implementing the requirements of this Policy, and for the preparation of an implementation strategy, rests with each Service Director or, Head of Service.

GUIDANCE FOR DEALING WITH DOMESTIC ABUSE/SEXUAL VIOLENCE

1. WHAT IS MEANT BY DOMESTIC ABUSE?

1.1 For the purpose of this guidance, the following Welsh Government definition applies:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

- **Controlling behaviour** – is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- **Coercive behaviour** – is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. (Home Office).

2. WHAT IS MEANT BY SEXUAL VIOLENCE?

2.1 Sexual violence and abuse can be defined as any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual.

2.2 It should be recognised that perpetrators of sexual violence may not always be the partner/ex partner of the individual experiencing it.

- 2.3 Whilst it is recognised that it is overwhelmingly women who experience Domestic Abuse/Sexual Violence, these guidelines equally apply to any employee who requires help and advice, including males, transgender, lesbian, gay, and bisexual people who are suffering Domestic Abuse/Sexual Violence.

3. WHAT IS MEANT BY VIOLENCE AGAINST WOMEN?

- 3.1 Violence against women is defined by the United Nations as ‘any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.’

Violence against women encompasses but is not limited to the following:

- Physical, sexual and psychological violence occurring in the family including cultural or traditional practices that are harmful to women, non-spousal or non partner violence and violence related to exploitation.
- Physical, sexual and psychological violence occurring within the general community including sexual assault of any kind, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking of women and forced prostitution.
- Physical, sexual and psychological violence perpetuated or condoned by the State wherever it occurs.

4. WHAT IS MEANT BY HONOUR BASED VIOLENCE?

- 4.1 So – Called Honour Based Violence can be distinguished from other forms of violence, as it is often committed with some degree of approval and/or collusion from family and/or community members.

Managers should be aware that, if an employee experiencing what may be honour based violence, has a family or community member as support then care should be taken to ensure that professional translators are available if their first language is being used to avoid the possibility of misunderstandings or pressure being put on the employee due to cultural reasons. If in doubt seek advice from an appropriate agency/organisation.

5. IDENTIFYING THE PROBLEM

5.1 It is unlikely, in the first instance, that employees who experience Domestic Abuse/Sexual Violence will inform colleagues of their situation, or approach their manager with problems. It is far more likely that the manager will become aware of the situation through associated issues such as sickness absence monitoring or poor performance. As with other welfare issues, identifying an employee is experiencing difficulties at an early stage will lead to appropriate help being offered, and allow that employee to deal with their situation far more effectively.

More information on the signs and symptoms that may indicate an employee is experiencing Domestic Abuse/Sexual Violence is contained within the Managers Guidelines that accompany this policy.

5.2 Managers need to develop a sensitive and non-judgemental approach when dealing with employees that have experienced Domestic Abuse/Sexual Violence. These measures could include:

- ensuring the immediate safety, and security at work of employees
- taking employees seriously, listening and believing them
- ensuring that any discussion with an employee about their circumstances, takes place in privacy
- respecting confidentiality - the consequences of Domestic Abuse/Sexual Violence are serious, and managers and colleagues need to respect this
- understanding employees may not wish to approach their line manager, and may prefer to involve a third party such as a colleague or trade union representative
- finding out what employees want and whether a manager, another officer or another agency can help them achieve it. Being honest about what can be offered
- being aware of the additional issues faced by employees, because of their age, gender, sexuality, ethnic background or, disability etc
- being non-judgemental - employees may need some time to decide what to do, and may try many different options during this process. Research has demonstrated that it can take a long time to break free of a violent relationship. It should not be assumed therefore, that because an individual returns or stays in a violent relationship, that the violence was not severe or did not take place
- being aware of what support is available, and exploring these options with employees. However, if an employee does not wish the manager to contact other agencies, his/her wishes must be paramount.

6. ENSURING SAFETY

6.1 The main responsibilities of employers, employees, and others for the health, safety and welfare of persons at work are defined by the Health and Safety at Work Act etc.1974, and the Management of Health and Safety at Work Regulations 1999. Furthermore, the Council has also developed guidance for managers to deal with incidents where employees are verbally abused or threatened or physically assaulted in the course of their duties. This is detailed in the Violence at Work Policy - HS 13, which can be accessed from the HR intranet site or obtained from the Human Resources Division

6.2 Although the violence at Work Policy - HS13 will apply to most situations of violence in the workplace, managers may have to consider additional factors if these incidents involve Domestic Abuse/Sexual Violence. These incidents may involve violent partners or ex-partners visiting the workplace, abusive phone calls, intimidation or harassment of employees by the alleged perpetrator. These issues could be addressed by the following measures:

- improving security measures such as changing key pad numbers or ensuring that access to buildings is open to authorised employees only
- reminding reception/switchboard operators not to divulge information about employees, especially personal details such as addresses, telephone numbers or shift patterns
- offering temporary or permanent changes in the workplace, work times and patterns, helping to make the employee less at risk at work, and on their journeys to and from work. This could include changes to the office layout, to ensure that the employee is not visible from reception point or, from ground floor windows
- offering changes in specific duties, such as answering phones or working in reception or in exceptional circumstances, redeployment to another post.
- agreeing what to tell employees, and how they should respond if the abuser rings or calls at the workplace. Providing colleagues with a photograph of the abuser, and other relevant details such as car registration numbers, which may help to maintain security in the workplace
- making sure that the systems for recording employees whereabouts during the day are adequate, and if the work requires visits outside the office, considering how risks can be minimised (eg. changing duties or allowing another colleague to accompany them on certain journeys)

- recording any incidents of violence in the workplace, including persistent phonecalls, emails or visits to an employee by their partner/ex-partner. Details of any witnesses should also be recorded. These records could be used if employees wish to press charges or apply for an injunction against the alleged perpetrator. The Council could also apply for an injunction if the actions of the alleged perpetrator impinges on the health and safety of other employees
- managers may have to take account of whether the measures detailed above are operationally feasible, bearing in mind that ensuring employees are safe should be of primary consideration throughout the process.

7. CONFIDENTIALITY

7.1 Once an employee has confided in their manager that they are experiencing Domestic Abuse/Sexual Violence, the manager should reassure him/her that this information will remain confidential. Confidentiality is vital in all cases but particularly so when dealing with Honour Based Violence and in these cases advice should be sought from a Domestic Abuse/Sexual Violence service provider. The consequences of breaching confidentiality could have serious effects for the person experiencing Domestic Abuse/Sexual Violence. Statistics have shown that the risk of more serious assaults, permanent injury, and even murder, takes place when a woman decides to leave home, or immediately after. It is important therefore, not to under estimate the danger or assume that the fear of violence is exaggerated.

7.2 Exceptions to 6.1 above are:

- where child protection issues are raised, for instance, if an employee gives information that suggests that their child or another child is at risk from abuse (whether physical, emotional, sexual or neglect). In these circumstances, the manager should inform the employee that s/he would be referring the matter to the appropriate Head of Service and the Director of Human Resources.
- with the express wish of the employee concerned. In these circumstances, employees' privy to such information should be reminded that this information is confidential, and any unauthorised breaches could be subject to the Council's disciplinary procedures.

8. SPECIAL LEAVE AND OTHER SUPPORTIVE MEASURES

- 8.1 Managers will give consideration, and view sympathetically requests for special leave for employees who have disclosed they are experiencing Domestic Abuse/Sexual Violence. These requests could include:
- appointments with support agencies such as Women's Aid, Social Workers or Counsellors
 - arranging re-housing
 - meetings with Solicitors
 - making alternative childcare arrangements, including meetings with schools
 - court proceedings involving incidents of Domestic Abuse/Sexual Violence.
- 8.2 Managers should explore other supportive measures such as a temporary change in hours, where requested by employees who are experiencing Domestic Abuse/Sexual Violence.
- 8.3 Managers will record leave of absence for Domestic Abuse/Sexual Violence as special leave. These records must be placed in a sealed envelope in the individual's personal file, and marked 'for managers access only'.
- 8.4 An employee leaving a violent partner may face considerable financial hardship or have concerns about finding suitable accommodation for themselves, and their family. Managers should consider approving a salary advance if needed, (e.g. to move house or to make other significant financial outlay). Additionally, consideration should be given to changing the method of salary payment if an employee has disclosed that their partner has access to their finances or, is exerting financial pressure upon them.
- 8.5 The Council will offer access to a Counselling and Support Service to those employees experiencing Domestic Abuse/Sexual Violence, as follows:
- through the Council's Occupational Health and Wellbeing unit - this is an in-house Counselling Service with the Occupational Health Adviser, Tel No. 01443 494003
 - through Domestic Abuse/Sexual Violence Link Staff - refer to Section 11 below.

9. IF AN EMPLOYEE IS A PERPETRATOR OF DOMESTIC ABUSE/SEXUAL VIOLENCE

- 9.1 Employees should be made aware that Domestic Abuse/Sexual Violence is a serious matter, which could lead to a criminal conviction.
- 9.2 As is the case with any employee who is found guilty of a crime, if the Council views that there is conflict between the conviction for violence, and the job s/he is employed to do, some form of disciplinary action may be taken. Serious consideration should be given to whether the actions of an employee who has a criminal conviction for Domestic Abuse/Sexual Violence, brings the Council into disrepute, and would be regarded as gross misconduct. (Reference should be made to the Council's Disciplinary Policy.)
- 9.3 The fact that an employee is a perpetrator of Domestic Abuse/Sexual Violence may make certain job duties inappropriate, and justify redeployment. For example, it may not be appropriate for this person to be providing services to vulnerable women and children, and a change or a transfer, may need to be considered in such circumstances.
- 9.4 Proven harassment and intimidation of employees by their partner or ex-partner who also works for the Council will be viewed seriously, and may lead to disciplinary action being taken.

10. RAISING AWARENESS

- 10.1 The Council is committed to promoting "zero" tolerance of Domestic Abuse/Sexual Violence against all of its employees. It is essential therefore; that the working environment promotes the view that abuse of any person is unacceptable and that such abuse will not be condoned or made the subject of jokes or graphics.
- 10.2 The Council will aim to raise awareness through the following means:
- inclusion of issues relating to Domestic Abuse/Sexual Violence in relevant in-house training sessions
 - by posting information on the HR Intranet Site
 - by publicising the role of Domestic Abuse/Sexual Violence Link Staff-refer to Section 10 below
 - by publicising Local Support Agencies .

11. DOMESTIC ABUSE/SEXUAL VIOLENCE Link Staff (DALs)

- 11.1 Each Group will appoint a DAL to provide a confidential support service to employees who are experiencing Domestic Abuse/Sexual Violence.
- 11.2 Each DAL will receive training on issues related to Domestic Abuse/Sexual Violence, including information on appropriate support agencies. Publicity will be distributed across the Council to advertise the name and location of link staff within the Groups.
- 11.3 Arrangements will be made to ensure employees are afforded the opportunity to seek support from a male or female DAL to ensure they are made as comfortable as possible.
- 11.4 The main features of a DAL role are to:
- be available, and approachable, for those members of employees who are experiencing Domestic Abuse/Sexual Violence
 - listen, reassure and support individuals
 - keep any information confidential within the boundaries as outlined in section 4
 - respond in a sensitive, non-judgemental manner
 - ensure that employees are aware of the options available to them, and they remain in control of the situation
 - encourage employees to seek the advice of other relevant agencies.

MANAGERS CHECKLIST

	✓ As Appropriate	
	Yes	No
• Are you familiar with the definition of Domestic Abuse/Sexual Violence?		
• Are you familiar with the action that needs to be taken if approached on a Domestic Abuse/Sexual Violence issue?		
• Are you aware of the measures to take in ensuring the safety of an employee at work in a Domestic Abuse/Sexual Violence situation?		
• Are you aware of the need to maintain confidentiality?		
• Are employees under your guidance/control made aware of the supportive measures that are available to them?		
• Are employees under your guidance/control made aware of who are the Domestic Abuse/Sexual Violence Link Staff?		
• Are employees made aware of Local Support Agencies?		

Completed by: _____

Confirmed by: _____

Name: _____

Name: _____

Designation: _____

Designation: _____

Date: _____

Date: _____